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Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

In re:
USA SECURITIES, LLC,

Debtor.

Affects:
☒ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

USACM LIQUIDATING TRUST; and
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC;

Plaintiffs,

v.

BEADLE, MCBRIDE, EVANS & REEVES, LLP,
REEVES, EVANS, MCBRIDE & ZHANG, LLP, TG
MCBRIDE CPA LTD., and T. GARTH MCBRIDE,

Defendants.

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

JOINTLY ADMINISTERED
Chapter 11 Cases

Judge Linda B. Riegler

**NOTICE OF HEARING ON
APPLICATION TO
COMPROMISE AND SETTLE
CONTROVERSIES WITH
BEADLE, MCBRIDE, EVANS &
REEVES, LLP, ET AL.**

Hearing Date: December 8, 2008
Hearing Time: 1:30 p.m

1 **PLEASE TAKE NOTICE** that on October 20, 2008, Geoffrey Berman (“Berman” or
2 the “Trustee”), Trustee of the USACM Liquidating Trust (the “USACM Trust”) and Michael
3 Tucker (“Tucker” or the “Manager”), Manager of the USA Capital Diversified Trust Deed Fund,
4 LLC (“DTDF”) filed an *Application to Compromise and Settle Controversies with Beadle,*
5 *McBride, Evans & Reeves, LLP, et al.* (the “Motion”) and moved the Court for an order pursuant
6 to Federal Rule of Bankruptcy Procedure 9019 (“Rule 9019”) approving the Settlement
7 Agreement, Mutual Release, and Covenants (the “Settlement Agreement”) between the Trustee,
8 the USACM Trust, the Manager, and DTDF, and the Defendants, Beadle, McBride, Evans &
9 Reeves, LLP, Reeves, Evans, McBride & Zhang, LLP, TG McBride CPA Ltd., and T. Garth
10 McBride (collectively, “BMER”) (collectively the Trustee, USACM Trust, the Manager, DTDF,
11 and BMER are referred to as the “Parties”), the former auditor of DTDF and USA Capital First
12 Trust Deed Fund, LLC.

13 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief
14 sought in the Motion, or if you want the Court to consider your views on the Motion, then you
15 must file an opposition with the Court, and serve a copy on the person making the Motion ***no***
16 ***later than 15 days*** after the date of this Notice. If the hearing date has been set on less than 15
17 days’ notice, then the opposition must be filed and served ***no later than 5 business days*** before
18 the hearing. The opposition must state your position, set forth all relevant facts and legal
19 authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c).

20 If you object to the relief requested in the Motion, you ***must*** file a **WRITTEN** response
21 to the Motion with the Court. You ***must*** also serve your written response on the person who sent
22 you this notice.
23

1 If you do not file a written response with the Court, or if you do not serve your written
2 response on the person who sent you this notice, then:

- 3 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 4 • The Court may *rule against you* without formally calling the matter at the hearing.

5 **NOTICE IS FURTHER GIVEN** that the hearing on the said Motion will be held before
6 the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building,
7 300 Las Vegas Boulevard South, Third Floor, Bankruptcy Courtroom No. 1, Las Vegas, Nevada
8 89101 on **Monday, December 8, 2008, at 1:30 p.m.**

9 Dated: November 24, 2008

10 **DIAMOND MCCARTHY LLP**

11 By: /s/ P. Jason Collins
12 Allan B. Diamond, TX 05801800 (pro hac vice)
13 Eric D. Madden, TX 24013079 (pro hac vice)
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16 *Special Counsel for Plaintiffs*

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Counsel for USACM Liquidating Trust

CERTIFICATE OF SERVICE

I hereby certify that, on November 24, 2008, a copy of the foregoing was served either electronically or via first class mail to all existing and prospective defendants to any suits brought or to be brought by the USACM Trust and/or DTDF.

/s/ Eric D. Madden

Eric D. Madden